

# LETTER

TO A

Member of Parliament :

*Great Britain* - *George Pitt*  
In RELATION to *K*

The *Bill* for punishing MUTINY  
and DESERTION, &c.

*Dii patrii, quorum semper sub numine Troja est,  
Non tamen omnino Teucros delere paratis,  
Cum tales animos juvenum, et tam certa tulistis  
Pectora.*

Virg. *Æneid.* Lib. IX.



L O N D O N :

Printed for W. W E B B, near St. Paul's.

( Price S I X - P E N C E . )

L E T T E R

Member of Parliament:

MEMORIAL

The Bill for the  
and the



L O N D O N

Printed by W. W. & A. R. R.

(Price Sixpence)



A  
L E T T E R  
T O A  
MEMBER of PARLIAMENT.

**I**T is with Readiness, Sir, that I comply with your kind Invitation to send you my Thoughts upon the Bill, “ For punishing “ *Mutiny and Desertion*, and for the better “ Payment of the *Army* and their Quarters;” which, as you very justly observe, is an *Act* of the utmost Importance to the Nation, as it is now necessary for the State, to keep up a Force sufficient to prevent our happy Constitution from being subverted by domestic Conspiracies or foreign Invasion, and, so long as this Necessity continues, provides, that the Liberty of the Subject shall be as little endangered as may be from this military Establishment, which the Corruption of modern Times, and that System of remaining perpetually armed, continued as well as introduced by our all-grasping and ambitious Neighbour, has unhappily rendered requisite for our own Preservation.

There cannot, I think, be any Exception, or at least any just Exception taken to this Method of addressing you, since the very Preamble of the last *Act* acknowledges *the keeping a standing Army in this Kingdom in time of Peace, without*



*the Consent of PARLIAMENT to be against LAW*; and as the Body of the Act shews upon what Terms and for what Purposes the *Consent of Parliament* is given, it implies that any Subject of *Great Britain* may offer his Thoughts upon so important a Topic to his Representative, provided it be done with that Decency which a Matter of such Importance requires, and the Duty he owes to that excellent Prince at present on the Throne, and his illustrious Family, on which all our Hopes depend; which are not only the Rules I shall observe in writing, but in reality are the principal Motives inducing me to write at all.

There is, without question, the highest Reverence as well as the deepest Submission due to the *supreme Authority*, from which I am sure I shall never swerve. But as this is a Matter which falls under *annual* Consideration, as the Circumstances of Things change, and as there were great Alterations made in the last *Act* and *Articles of War*; as we have never acknowledged the *Popish* and ridiculous Doctrine of *Infallibility* in any Set of Men whatever, and as so late even as last Year there was an Act passed to rectify a *Mistake* in the very *Act* of which we are speaking; it appeared highly warrantable to suggest, in a modest and dutiful Manner, such Observations as may tend to render the next *Act* as salutary as useful, and as effectual as it is possible.

In the first place, Sir, I must observe, that the *fundamental Principle* of every Law of this kind is the Preservation of our excellent and invaluable Constitution, by which it is provided, "That  
" no Man shall be fore-judged of Life or Limb,  
" or



" or subjected in time of Peace to any kind of  
 " Punishment within this Realm, by martial  
 " Law, or in any other manner than by the  
 " Judgment of his Peers, and according to the  
 " known and established Laws of this Realm :"  
 But its being held requisite for retaining Forces in  
 their Duty, that a proper Discipline be observed,  
 is the Reason the *supreme Authority* establishes  
 a *Law* for that Purpose, which in some Degree  
 deprives such as are subjected to it of those  
 Benefits, and exposes them to Punishments to  
 which otherwise they were not liable, and  
 therefore in reference to the *Penalties* inflicted  
 thereby must be taken as all other *penal Laws*  
 are, in the strict *literal Sense*, which alone can  
 be the proper Rule of those who are to *judge* by  
 it, and of such as the *Laws* have intrusted with  
 the Power of examining, whether *Judgments* in  
 consequence of *that Act* are Judgments warranted  
 thereby.

I must next observe, that as in the Preamble of  
 the last Act it is recited, that His Majesty had  
 declared War against *Spain*, for vindicating the  
 Honour of the Crown, and for the Preservation  
 of the Navigation and Commerce of the Subjects  
 of this Realm ; and had likewise declared War  
 against *France* ; it is from thence apparent, that  
 the Rules established by that *Act* were such as  
 the then Situation of Things, and our being ac-  
 tually at War could only countenance ; and as  
 by the Conclusion of the Peace the Circum-  
 stances we are now in *differ*, it may be supposed,  
 that *Alterations* or *Restitutions* rather may be  
 expedient, in reference to the Rules, which the  
*Act* to be made will establish ; and I presume  
 this

this Remark will appear to have a rational Foundation, if I take the liberty of putting you in mind, that those which were introduced of late were not only different from those which subsisted when the War began, but as widely different from the Articles observed in the glorious War at the Beginning of the present Century, when the Arms of *Great-Britain* were so renowned throughout *Europe*, and yet our Soldiers were as much envied for the Ease they enjoyed abroad, as ourselves for our Freedom at home.

What I would infer from this is, that whereas it has been sometimes thought expedient to have *Articles of War* penned in stricter Terms, and enforced by severer Penalties in Time of *War*, for such of our Forces as were acting abroad in the Field against the common Enemy; yet in Time of *Peace*, and with regard to our Forces here at home, such strict Rules and such severe Punishments are in a Variety of Cases not at all expedient. Therefore, as the *Articles of War* derive their Force and Virtue from the *Act* which establishes their *Authority*, it will be just and reasonable to distinguish between these different Kinds of Articles, and to provide against the blending of the *former* with the *latter*, that his Majesty's Subjects in military Service, may taste in some Measure of the Sweets of *Peace*, so far as their *Condition* will allow, and without *any Relaxation* of such a moderate *Discipline*, as is at all Times, and in all Seasons, requisite.

It is not impossible, Sir, that some who take themselves to be great Masters of this Subject, may differ from me in Opinion, and may assign very *plausible* Reasons for that Difference; such

as that the Strength and Efficacy of *regular Troops* depend entirely upon this new Discipline; nor is it at all impossible, that they may appeal to *Experience*; but, Sir, you will give me leave to say, that the *Strictness* of the *Discipline*, against which I argue, and as to which what I want is no other than the suspending the Power of punishing in the severest manner such Faults as, in Time of Peace, are not of the highest Consequence, is more fit to *break* Mens Spirits, than to inspire them with martial Vigour; and is rather likely to beget in them an *Hatred* to the *Service*, than a loyal *Attention* to their *Duty*. As to Experience, give me leave to say, that in the former Wars in *Flanders* and *Spain*, our Troops were never found *deficient* in Field or in Garrisons; and even in the last War, before these new Alterations, which is a Point very well worthy of Notice, at the Battle of *Dettingen*, they behaved as well as Troops could do; that it was the *Presence* of the *King*, which the military People say, is equivalent to ten thousand Men; and I shall very readily own, that it was there equal to twenty thousand, contributed to our Success, he must be ingrateful and disloyal who can doubt; but unquestionably the Troops behaved gallantly, and in the Opinion of their *Enemies*, betrayed as little *Want* of *Discipline* as *Courage*.

When a *Law* of *this Kind* is under Consideration, the *Representatives* of the *People* of *Great-Britain*, will not only think it always reasonable, but also absolutely incumbent upon them to reflect, that those who are to be *subject* to the *Rules* established thereby, and liable to the  
*Penalties*



*Penalties* which it inflicts, are their *Countrymen*, born with the same *Rights* unto themselves, intitled to the same *Protection* from the *Laws*, and with the same *Claims* to *Liberty*, as they are, and who must defend theirs. If therefore it is requisite for the good of the whole, and for the preserving unimpeached those invaluable *Privileges* to the rest of the *Nation*, that they shall be put in certain *Respects*, under *another Establishment*, there cannot certainly be any thing more fit than that every *Clause* of this *Establishment*, should be maturely weighed, and all possible *Favour* shewn to *Englishmen*, who embrace a military Life, for the *Service* of their *Country*. It is this that distinguishes, and ever must distinguish the *regular Troops* in this Kingdom, from an arbitrary *standing Army*; and this very *Distinction* is taken Notice of, approved, and sanctified, as I before observed, in the *Preamble* of every *Act* of this Nature, as the principal *Motive* to the *Consent* of *Parliament*.

These Considerations extend to *Officers*, as well as *Soldiers*, but in a different manner indeed; and this Difference in the manner, is a Point also of no small Importance. As on the one Hand, the Power given to *Officers* in their Capacity of *Judges* upon *Court-Martials*, ought to be perfectly clear and explicit, that they may be in no Danger of mistaking their Sense, or being at a Loss for their Sense, which must make room for *Interpretations* that ought to be excluded: So, on the other, it must be remembered, that these Gentlemen may not only *try*, but be *tried*; and for this Reason, the *Nature* of *Offences*

*fences* ought to be very clearly defined ; and the *Punishment* so adjusted and ascertained, as that the Offender may feel only the *Weight* of the *Law*, and be secure from ever suffering for *constructive* Offences. It is from their having a just Sense of this, that we may expect Men of Families and Fortunes to think it an Honour to *enter* into the *Service* upon which so much depends, and which gives us the highest moral Security, that an *Army* raised and paid by the *Nation*, will be always zealous for the *Liberties* of the *Nation* ; and never repine at hazarding their Lives for the Service of their Country against *Enemies* abroad, or *Rebels* at Home.

With respect to the *Private Men*, who are subjected to this *Law*, the utmost Care will be certainly taken, that the *Rule* of their *Duty* shall be adequate to their Understandings ; that they may be exactly informed of the *Nature* of their *Condition*, and as they may be restrained from offending by the Fear of Punishment ; so, as far as it is possible, all Fear of Punishment may be removed from them, while they behave as they ought, and pay a strict Obedience to those Rules which, in vertue of *this Act*, become the *Measures* of their *Duty*. It is this, and this only, that can excite, encourage and preserve that *true ENGLISH Spirit*, which is the Glory of *ENGLISH Troops*, which has ever made them terrible to their *Enemies* abroad, and endeared them to their Countrymen at Home. A Spirit, which their *Discipline* ought to provide, shall not evaporate through *Laziness* and *Luxury*, and which this *Act* should secure from being depressed by needless and unavailing *Severities*.

It is natural, after having insisted in so warm a manner, upon the Importance of this Law in general, which it is certain ought never to be considered as a mere matter of Form, and Part of the common Business of the Year, that I should enter a little into Particulars; which, however, I will do with all the Tenderness and Caution imaginable, as having no sinister Views of any Kind, but being purely solicitous, that what so nearly concerns the Interest and Safety of ALL, should be represented to ALL in it's true Light. There must be a Liberty permitted of this kind, so long as we are allowed to be a free Nation; for that must ever depend upon our being governed by Laws, to which our Representatives have given their free Consent; and this again must arise from their considering the Points to which they relate, with all their Consequences, in every Light; towards which they may be furnished with every Information possible: Presuming therefore upon this, I shall continue to give you my Thoughts upon a few principal and very material Points, which I confess have been often the Objects of my most serious Meditations. I shall not, however, take the Liberty of fatiguing you with a long Enumeration of what has appeared to me defective in former Articles of War; far less will I take upon me to offer at any Corrections or Amendments; those, no doubt, will *occur* either to yourself or to some of those worthy and intelligent Persons who will have an *Opportunity* of *expressing* their *Sentiments* upon this *Subject*.

What I have therefore to add, shall respect only a few *great* Points, which, methinks, are of  
such



such high Importance, that what I offer to your Perusal will appear not only highly *reasonable*, but absolutely *incontrovertible*. These *Articles of War* deriving their Authority from, and being entirely grounded upon the *Act* when passed, it seems very natural that Provision should be made, that these *Articles* should agree *precisely* and *literally* with the *Act*, but more especially in such Points as are of very high Importance, and which touch the *Life* of an *English* Subject. This, Sir, I say, seems to be very fit and very requisite for *two* Reasons, which I shall mention; as well as for many others that for the Sake of Brevity I omit, and because I am thoroughly satisfied, that they will readily occur to yourself and to every other Gentleman, who allows himself to think *seriously* upon this weighty Subject; *weighty* I may presume to call it, because I speak of *Capital* Offences.

The *first* of these Reasons is, that the Being of *Court Martials*, and the Power they have of inflicting Punishment, arises from the *Act* in which all *Capital* Offences therein mentioned are clearly, plainly, and circumstantially described, and therefore such *Offences* only as fall exactly within those Descriptions, can justly feel the Weight of those *legal* Punishments, which by the *Authority* derived from the *Act* *Court Martials* are impowered to *inflict*. The *second* Reason is, that the *Charge* against *Offenders* in capital as well as other Cases, being for the *Breach* of certain *Articles of War*, mentioned and set forth in the respective Charges, if there should be any *Variation* in those *Articles* from the *Act* the Officers in the *Court Martial* may be in Danger of mistaking their *Rule of Judgment*, which might not only

be fatal to *those* brought before them, but prejudicial to *themselves*, by subjecting them to *Westminster-hall*.

An Instance will make this plain : Suppose the Words in the *Act* should be, “ That if any  
 “ Officer or Soldier in his Majesty’s Army, shall  
 “ strike or use any Violence against his superior  
 “ Officer, being *in the Execution of his Office*, or  
 “ shall refuse to obey any *lawful Command* of his  
 “ superior Officer, all and every Person and Persons so offending shall suffer Death, or such  
 “ other Punishment as by a Court Martial shall  
 “ be inflicted.” Suppose, that in the *Articles of War*, this Matter should be otherwise expressed, not only without the necessary Limitation before recited, but in Words that import an Exclusion of them ; for instance in these. “ Any  
 “ Officer or Soldier, who shall strike his superior Officer, or draw, or offer to draw, or shall  
 “ lift up any Weapon against him, on *any Pretence whatsoever*, or shall disobey Orders, he  
 “ shall suffer Death, or such other Punishment  
 “ as shall according to the Nature of his Offence,  
 “ be inflicted upon him by the Sentence of a  
 “ Court Martial.”

In the Case that I have supposed it would require no great Extent of Parts, or deep Penetration to discover the *Differences* between the *Clauses*, whatever Sagacity might be necessary to reconcile them to each other. We very well know how the Case stands with respect to Persons indicted for *capital* Offences against the *Law* of the *Land*, and how strict Proof is required to bring the *Crime* within the *Letter* of the *Law*. When therefore, for the publick Benefit and Service, it is found

found requisite to put several thousands of *British* Subjects under *another Law*, suited to and expedient for their Condition, there seems (I speak it with Submission) to be the same Reason that there should be the like Clearness, Punctuality, and Precision in the *new Law*, under which they are put. This too appears to be the Meaning of the *Legislature*, for otherwise there would be no need of any such Description in the Act itself; and when we find such a one there, how is it possible to suppose, that any Alteration can legally be made therein? In Things of this Nature, no Latitude ought certainly to be allowed, the Matter is in itself of *too great* Consequence, and the *Authority* prescribing the Form much too high to permit any such *Variation*.

It may likewise deserve your Consideration, that by the Rules of the Law of *England* all capital Cases ought to be enumerated in the *Act*. There may be many Offences, which, in Time of *War*, deserve the strictest and the severest Punishments, which however, in a Time of *Peace*, it has been usual to omit. As for instance, a Centinel's sleeping upon or leaving his Post before he is relieved, drawing his Sword, or beating a Drum in Garrison, or dropping his Cartridge Box or Piece; which, from the fatal Consequences with which they may be attended, are heightened into Offences of quite another Nature than in Times of *Tranquillity*, when though they still remain Offences against *military Discipline*, yet perhaps, it might not be thought necessary to make them so highly Penal. For if this were really the Case, and the direct Intention of the *Legislature*, one might expect to find it expressed in as  
full



full and precise Terms as many other smaller and less fatal Offences. There are usually on the Margin of *Penal Acts*, the Heads of the Clauses, and there are frequently subjoined to those of which we are speaking *Indexes*, shewing the *Crimes* and the *Punishments* inflicted for committing them; but upon perusing *these*, if no mention can be found of an *Offence*, one cannot help thinking it very extraordinary, that it should nevertheless be an *Offence*, and even a *capital Offence*.

It may indeed be said, that in most of these Cases a *Mitigation* is allowed, and in those *Articles* of *War*, where *Death* is inserted, it is also added, *or such other Punishment as shall be inflicted by the Sentence of a Court Martial*. Yet allowing this, it seems to be as reasonable, that the *Sanction* of the Law should be given to one capital Offence as to *another*; nor is it easy to assign any Reason, why that Sanction should be necessary to *any*, and not necessary to all. It may be also true, that such an extensive Power over the *Lives* of *British Subjects*, may never have been *abused*, which can never be proved; but then, if this should be supposed a sufficient Reason for *establishing* such a *Power*, it would be equally strong against *all Limitation*. For if so great a Confidence could be reposed in *any Judges* whatever, that they would in no Case exceed the proper *Bounds* of their *Authority*, it would be needless to assign them any *Bounds*. But as our *Laws* in all other Cases admit of no such Latitude, but express such a *Tenderness* for the *Subject*, as to expose him only to *certain Punishments* for *certain Offences*, the like might be expected here.

It

It may be added, that in some *Articles of War* there are Offences mentioned, that cannot be conceived to happen in *this Kingdom* in a Time of *Peace*; such for Instance, as violating *Safeguards*, which is also a *capital Offence*, and whether it might not be expedient to leave these out, or to express the Meaning in such a Manner, as to make it more consistent with the *Times* and *Places*, in which these Articles are to be the *Rules of Duty*, may not be altogether unworthy of Notice. For as *Articles of War* stand in the Place of Laws to the *British* Subjects in military Service, and for that Reason, are directed to be read to them in a *publick* and *solemn* Manner at certain *Seasons*. There could not certainly be any thing amiss, in removing such *Parts* as belong to *another Situation* of Things, and such also, as are punishable by the *Laws* of the *Land*, without the least Assistance of *military Discipline*.

These Precautions, with Reference to the removing unnecessary or excessive Terrors, would not be wholly calculated for the Benefit of *those* in the *Service*, but would also extend themselves to the *People* of *Great Britain* in general. To render this perfectly intelligible, we ought to consider, that a Discipline of so extraordinary a *Severity*, as may oblige such as are subjected to it, to obey implicitly *any Orders* that are given them by their *Superiors*, is not such a Discipline, as seems to be consistent with the *Design* of regular Forces, established for Purposes usually described in the *Preambles* of *Acts* for the punishing of *Mutiny* and *Desertion*; and this will appear still more clearly, if it be remembered that in *those Acts*, the Punishment for using Violence

to a superior Officer, is restrained to his being *in the Execution of his Office*, and the Punishment of Disobedience is also restrained to *lawful Commands*. Now as these Expressions manifestly shew the *Intention* and *Meaning* of the *Legislature*, and as this Meaning and Intention is as evidently agreeable to what is asserted in the *Preamble*, one might naturally collect from thence, that the consistent Spirit should prevail through the *whole Extent* of *Discipline*, as well for the *Security* of the Subjects of *Great Britain* in general, as for the *Ease* and *Benefit* of such as are in the military Service in particular. At least this Manner of arguing from the *Premises*, seems so natural, that it may easily mislead those, who do not see where the *Authority* of the *Law* refuses it.

The next Point I shall offer to your Consideration, is, as to the *Half-Pay Officers*; Gentlemen who have served their Country with Honour and Reputation, so long as their Service was *required*, and from that Degree of Merit have a *Subsistence* given them by the Publick, till they are otherwise provided for. This, in the Light in which I have placed it, and which to me appears the fair and true Light it ought to stand, is a *Reward* for past Service, and a *Mark* of national *Respect* for Officers laid aside in time of Peace; who from thence, no doubt, must look upon themselves as bound in a peculiar manner to study and promote, as far as in them lies, the Welfare of their Country.

Now as these Gentlemen owe the *Provision* made for them entirely to the *Publick*, it may deserve some Reflection, whether it be altogether  
 expe-



expedient after having *lost* their *Commands* and the Emoluments arising from them, that these Gentlemen should be left as much under *military Discipline* as those who are actually in full Pay? I will not enter into the Question, whether it was *always* so, or *when* it became so. All that I would recommend to your serious Thoughts is, whether in a time of *profound Tranquillity* it be requisite, that Gentlemen in these Circumstances should be under the *same* Discipline as when in much better Circumstances. I might add, whether the putting them into such a Situation does not in a great measure diminish the Value of the *Reward* bestowed, and in some degree convert it into a *Punishment*?

I must intreat your Permission to dwell a little upon this Head, which regards a very considerable Number of worthy Gentlemen, who having given Proofs of their *Zeal* in the King's Service, of their sincere and hearty *Attachment* to the *Royal Family*, and of their Readiness to expose their Lives for the Good of their Country. Gentlemen, who it is true have their *Maintenance* from the *Publick*, and lie under an Obligation from thence; but whether that Obligation ought to extend so far as to subject them to *military Service* and *Discipline* in their present Situation, is a thing, which, with all due Submission to those who think otherwise, I humbly apprehend cannot be very easily demonstrated.

For in the first place, though such Gentlemen have *Half-Pay*, yet the *other half* is not the only *Loss* they sustain by being out of Service. Neither will a right Computation be formed, by ta-

king in the *Emoluments* arising from the Posts in which they last served ; for they are still greater Losers than they would be thought upon the *Foot* of *that* Account. All Half-pay Officers *under* the Degree of a *Colonel*, as they cannot rise, may be said to lose their *Rank* in the Army during their Continuance in that State ; many *Captains* who shared in the Successes in *Flanders*, or bore the Hardships that were felt by the brave Men who distinguished themselves in *Spain*, during the Reign of the late *Queen*, remain *Captains* still. Wanting therefore, as they do, the Power of *bettering* their Condition, it may seem reasonable to allow them to *enjoy* it in quiet *such as it is*.

Allow me, Sir, just to hint, that a nice Sense of Honour, a certain laudable Ambition, and a generous Aspiring to superior Honours by indefatigable Service, and a constant Readiness to affront Danger, is the *true Spirit* of *military Discipline*. Where *Englishmen* are encouraged by these, they will certainly never repine at their Fate, or think they can do too much to merit the *Notice* of their *superior Officers*, and acquire by degrees a *Title* to *Royal Favour* ; but when this Encouragement is withdrawn, when a Gentleman is out of the *Road* of *Rising*, when he sees the young and fortunate daily *passing by him* and making their way to *Preferments*, for which he has no Chance ; how natural is it to suppose that he may feel inexpressible Chagrin at being called to *Duty* under those once his *Inferiors* ? Who could blame a Man in such a Situation, if upon comparing the *past* with the *present*, if upon striking the *Ballance* of his *Life* he should think *Fortune* much in *Arrear*  
under

Under such Circumstances, and would esteem it no inconsiderable Comfort, if remaining, as he must remain, without *military Hopes*, he was also dispensed with as to *military Toils and Ties*? Make it, Sir, your Case; revolve the Matter seriously in your own Breast, and then lay your Hand upon your Heart and say, whether the *Complaints* of such an *old Officer* would be altogether idle and vain, and such as ought to be given to the *Wind*?

We have considered this only in *one* Point of View, but it may be set in many *others*. If Half-pay Officers are liable at any time to be called on *Duty*, will they have it always in their *Power* to *obey*? An Officer in Service must appear like an Officer of his Rank; but will it be possible for a Gentleman, who has either an *infirm* State of Health, or a *large* Family to save enough out of the Pittance allowed him to put himself into such an *Equipage*, as not only his Titles but the Service requires? Or can even a single Man do it? For instance, a Half-pay *Cornet* of *Dragoons*; must he have Horses and Servants always ready, or will his Oeconomy enable him to keep a *Bank* to buy whenever it is required? such Gentlemen, no doubt, when called to Service will pique themselves upon making an Appearance suitable to their Rank; this their Spirit will prompt them to, and their Prudence likewise; for the Appearance of *Poverty* seldom helps Men to *Preferment*. But what will be the Consequences of this? either launching into *Credit*, and hurting those who *trust* them, or of spending in a short Space of Time, not only all that they may have saved in Times *past*, (which if he has done his Duty will be very little)



but anticipating the Savings for Years to come. May not these Circumstances deserve a *Moment's* Regard, and if they do, will it procure nothing more!

Farther still, when such a Man after Years of Retirement comes to be put upon *occasional Duty*, what Rubs, what Disquiets, what Mortifications is he exposed to? His old Friends, his former Patrons, *dead* or at a *Distance*; the new Commanders most of them Strangers, and amongst the few with whom he was heretofore acquainted, several who perhaps have served *under him* in an inferior Station. His Duty tells him he must obey his Sense of Honour, and Loyalty will oblige him to it. But a Mind *capable* of such *Sentiments*? will it be *incapable* of any other? Can such a Man bury the Remembrance of the *past*, can he look chearfully upon the *present*? May he not meet with Sights that will wound him to the Soul, and will not the Fatigue of military Duty be the *least* of his *Fatigues*; and the Care of what he ought to do, and which, from regard to his own Character, he will always do, proved the very *lightest* of his *Cares*? If therefore *these* things, or even the *Fear* of these things, may be dispensed with, in Favour of Men who have already *merited* from the *Publick*, would it not be right, would it not be kind, would it not be generous to *dispense* with them? Men of noble Minds and Fortunes seem to think so in private Life, and take in nothing so great a Pleasure, as in providing, that their old *faithful Servants* may in the Decline of Life find a comfortable *Rest* from their *Labours*. Tell me, Sir, why *private* Gratitude should go farther than *publick*; or why the wealthiest

wealthiest or the worthiest of our Countrymen should have it in his power to do more for those, who are grown old in *his* Service, than can be done for such who have spent the *Flower* of their Years in the Service of their *Country*.

Let me yet trespass, Sir, a few Moments upon your Patience; permit me to bring to your View another Scene, as real and not less affecting than the former. When Gentlemen are thrown out of their old *Road* of *Life*, when Peace renders them no longer useful to the Community in that State of Action to which they dedicated their *Youth*, it is natural, and let me add that it is laudable too for them, to turn their Thoughts to becoming *useful* in some *other* Station. They have perhaps from Inheritance, from the Kindness of Relations, in Right of Marriage, it may be, tho' very rarely, from their own Oeconomy, some *small Estate*, to which they may retire, and in the Improvement of which they may employ their Time, and, with the Assistance of their *Half-pay*, enjoy an *honourable Privacy*. There may be many other Ways by which such Gentlemen may console themselves for the *Loss* of those *Views* that occupied their Thoughts in the earlier part of Life, and at the same time enable them to remain still active and profitable *Members* of *Society*. But may we not suspect, that the Apprehension of being at any time called back to Service will distract and hinder them in such *Pursuits*, will dispirit and disable them from courting Fortune in *another Track*, and put it more out of their power to settle themselves in any new Course? Supposing it already done, would there not be something harsh in calling such a Gentleman from his

his Country Retreat back to his former *Course of Life* for a little time, which must disorder the Frame of his Affairs, and extinguish his Hopes of repairing *past* Disappointments? Would not the Inconveniences arising from hence, more than balance the *Value* of such a Man's *temporary Service*, with respect not to himself only, but to the Community. If so, let *this* also be taken into the Case, and let it find a Place as well as *other* Considerations.

It will be said, in Answer to what I have observed, that a great Number of the *Half-Pay-Officers*, are Men in the *Flower* of their *Age*, as capable of Service as ever, and that therefore as to these a great Part of what I have *advanced* cannot be *applied*. But be pleased, Sir, to observe, that so far as this has any Weight, what is objected will be quickly out of the Case. For such Gentlemen as are in *this* Situation will use all their Interests, and all their Endeavours to get into Service *again*, as soon as they can, and this will naturally in a very small Compass of Years, put *Things* on the *Foot*, that I have placed them; and, in the mean Time, there appears from this very Account of the matter, no Sort of Cause for putting these Gentlemen under *military Discipline*, while upon *Half-Pay*, whose utmost Ambition it is to put themselves voluntarily under that Discipline, by getting again into *Full Pay* as fast as they can. If indeed (as that is not at all impossible) many of them should be *disappointed* in their Views, and how willing soever, should find it impossible to obtain once more, *Commands* in the *Army*, it would be surely a Hardship to put such Men under *military Discipline*, who are already sufficiently



sufficiently disheartened by a Load of *Disappointments*.

It may be further said, that notwithstanding *Half-Pay-Officers* are as much subject to military *Discipline* as those upon *Full Pay*, yet it cannot be supposed, that any such Power will be exercised over them by their Superiors, except upon very *extraordinary Occasions*; but as I have had Reason to remark more than once, to assert that *Power* has *not* been *abused* is no good Argument, either for continuing or reviving a *Power* that may be *abused*. In Time of Peace, Sir, it is certainly not the Interest of *British* Subjects to have great Bodies of Men continued under *military Discipline*, and, consequently, subjected to the Obedience of the superior Officers *Orders*, with or without any apparent Cause, as will be always the Case under such general Words, as *Whenever the Good of the Service shall require*. As to such *extraordinary Cases* as are visible to all the World, and where the Welfare of their King and Country is eminently concerned, *Service* is not their *Duty* only, but their *Interest*; and without the *perpetual Tie* of military Discipline, they will readily *shew*, as upon such Occasions they have ever *shewn*, the most ready, the most chearful, and the most zealous *Obedience*.

But whether this may not be sufficient, without putting them in all Respects under the *same* Obligations with Gentlemen upon *Full Pay*, is what I would submit to your Consideration, and will leave this Matter with only a Hint of the apparent Inequality, between the Case of *one* of *these* Officers, if brought to a *Court Martial*, and that of an *Officer* in *Full Pay*, in the like Circumstances.

stances. The latter would be *tryed* by *those* who some time or other, if his Offence was not flagrant, he might himself have a Chance of *trying*; but this could never be the Case of the *Half-Pay* Officer: On the contrary, he might possibly be brought before *those* as his *Judges*, who were *Boys at School*, at the Time he had a *Command* equal to their's in the *Army*. I do not pretend to say, that in this there would be any *Injustice*; but, I believe, Sir, that in your Opinion, such a Thing must be a very severe *Mortification*!

There is yet ONE Point more, that before I conclude, I would intreat you to remember, and it is this; that the very End and Design both of the *Act* and of the *Articles of War*, is to assign and ascertain the *Duties* of *Officers* and *Soldiers*, so that they may know precisely, what is expected from them in their respective Stations; what they are to *perform*, and what they are to *avoid*. But, if after all the Pains taken by the *Parliament*, and in the framing the *Articles of War*, there be any general Clause importing, that *all such Crimes, Disorders, or Neglects in Officers and Soldiers, to the Prejudice of good Order and military Discipline, though not mentioned either in the Act or in the Articles, may fall under the Cognizance of a General Court Martial, and be punished at Discretion*; will not this go very near leaving it to the *Officers Judgment*?

Thus, Sir, I have with the utmost Deference and Respect, given you my Thoughts upon a Subject of very *great Importance* to the *British Nation*; a Subject that will ever merit the serious Concern of those, who have a real Zeal for *Liberty* and the *Constitution*; a just Sense of  
the

the many Blessings we enjoy under his *Majesty's* mild, paternal, and auspicious Government ; and, if in throwing these Observations together, I have any where expressed myself with too much Earnestness (which however, I flatter myself, I have not) be assured that it was an involuntary Escape, and that none would censure me more severely than myself. All I aim at, is, to procure a *serious Consideration* of the several *weighty Points*, and in the Hopes of a *fair Acceptance* of what was *honestly* intended, I remain, Sir, with the most perfect Deference and Esteem, &c.

F I N I S.

